

REMARKS

Reconsideration and allowance are respectfully requested.

New claims 13-20 are similar in scope to claims 1-12 and particularly point out and distinctly claim the subject matter of the invention. Antecedence exists in the original application which includes the drawings. No new matter has been added.

Entry and allowance are requested.

Claims 1-5 and 9-12, as well as claims 13-20, are patentable under 35 U.S.C. 102(b) over Formo et al. (U.S. Patent 4,524,512).

Formo relates to cutlery 10 in which handle portions 18 have u-shaped cross-sections for nesting identical pieces of cutlery stacked over each other, with the u-shape ending at the end portions 28 and bowl portions 20 of a spoon or tine portions 40, 42 of a fork or knife, respectively.

Formo teaches that the cutlery handles 18 must have stacking lugs 30 for supporting other handles and preventing sliding of the stacked cutlery over each other. The handles have rounded free end portions 28 extending at obtuse angle from the top portions 22 thereby closing the remote ends of the handles together with the leg portions 24, 26 extending on opposite sides of top portions 22.

Nothing in Formo teaches or suggests a kitchen utensil with a handle and a tool for handling food products in which the handle has a substantially V-shaped or U-shaped cross section extending through ends and being perpendicular to a longitudinal direction of the utensil.

Formo teaches away by requiring obtuse angles rather than perpendicular configuration of the handle. Formo expressly teaches blocking the cutlery from sliding with angled lugs. Moreover, Formo does not provide any thumbhold centering, as uniquely defined by the present invention. Thus, Formo cannot anticipate the present claims.

For an invention to be anticipated, it must be demonstrated that each and every element of the claimed invention is present in the "four corners" of a single prior art, either expressly described therein or under the principle of inherency. Lewmar Marine Inc. v Barient Inc., 3 USPQ2d 1766, 1767-1768 (CAFC, 1987). The absence from prior art reference any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible, Inc., 230 USPQ 81, 84 (Fed. Cir. 1986).

Claims 6-8, as well as claims 13-20, are patentable under 35 U.S.C. 103(a) over Formo in view of Prindle (U.S. Patent 4,317,284).

As pointed out above Formo does not teach nor suggest the claimed invention. Therefore any further combination with other references will also lead away from the claims.

The present claims define a kitchen utensil having a handle with a cross-section that is substantially V-shaped or U-shaped.

Prindle does not describe, teach nor suggest a utensil with a handle and a tool for handling food products with the handle having a substantially V-shaped or U-shaped cross-section perpendicular to a longitudinal direction of the utensil.

Prindle relates to a spoon, knife and fork set that can be stacked by magnetic means in each their handles. Prindle expressly teaches throughout the specification, drawings and claims that the handles of each of the elements must be substantially flat with a width of the flat handle being greater than a thickness of the flat handle. Nothing in the Prindle reference defines, teaches, describes, suggests or even inherently provides for a handle with a V-shaped or a U-shaped cross-section.

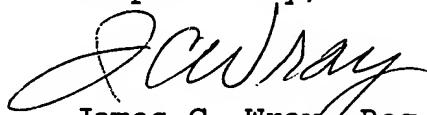
Nothing in Prindle, with or without Formo, describes, teaches or suggests the claimed features. Therefore, the references cannot anticipate nor render obvious the present invention as claimed.

If the Examiner relies on the cross section in Figure 3 attention is kindly drawn to the magnet in each of the flat handles of the fork, knife and spoon of Prindle which have been stacked in the cross-sectional view of figure 3.

Contrary to the Examiner's presumption each of the flat handles has a cross-hatching and the combined three flat handles have cross-hatches to show the magnets in each of the flat handles and to distinguish each of the flat handles from the other which does not come anywhere close to anything indicating a V-shaped or U-shaped cross-section as claimed.

Since Applicant has presented a novel, unique and non-obvious invention, reconsideration and allowance are respectfully requested.

Respectfully,



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